

BILL ANALYSIS

Senate Research Center

S.B. 1224
By: Harris
Criminal Justice
6/25/2001
Enrolled

DIGEST AND PURPOSE

The Texas Commission on Private Security (commission) is responsible for regulating certain occupations such as investigators and security officers. S.B. 1224 amends sections of the Occupations Code to clarify provisions regarding the commission.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Private Security in SECTION 12 (Section 1702.309, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 1702.002(1), (6), and (11), Occupations Code, to redefine “alarm system,” “detection device,” and “letter of authority.”

SECTION 2. Amends Section 1702.002, Occupations Code, by adding Subdivision (21), to define “extra job coordinator.”

SECTION 3. Amends Section 1702.002(7), Occupations Code, as added by the Act of the 77th Legislature, Regular Session, 2001, to redefine “extra job coordinator.”

SECTION 4. Amends Section 1702.061, Occupations Code, by adding Subsection (d), to authorize the Texas Commission on Private Security (commission) to commission investigators employed full-time by the commission as peace officers.

SECTION 5. Amends Section 1702.061(f), Occupations Code, as added by the Act of the 77th Legislature, Regular Session, 2001, to delete existing text regarding assistance to the commission.

SECTION 6. Amends Section 1702.062, Occupations Code, to delete existing text pertaining to the prohibition of certain fees exceeding certain amounts. Authorizes the commission, in addition to fees, rather than other fees, established under this chapter or the General Appropriations Act, to charge a fee under certain conditions. Provides that a person whose pocket card has not expired is not eligible to receive from the commission another pocket card in the same classification in which the pocket card is held.

SECTION 7. Amends Section 1702.105, Occupations Code, to provide that a person acts as an alarm systems company for the purposes of this chapter if the person sells, installs, services, monitors, or responds to an alarm system or detection device, or consults with a person to sell, install, service, monitor, or respond to an alarm system or detection device.

SECTION 8. Amends Section 1702.114, Occupations Code, to delete existing text regarding an applicant’s experience being consisting of three consecutive years. Requires that the applicant’s experience must have been legally obtained and must be reviewed by the commission or the director; and determined to be adequate to qualify the applicant to engage in the business of an investigations company.

SECTION 9. Amends Section 1702.115(a), Occupations Code, to make a conforming change.

SECTION 10. Amends Section 1702.223, Occupations Code, to provide that an individual acts as

an alarm systems installer for purposes of this chapter if the individual installs, maintains, or repairs an alarm system or a detection device.

SECTION 11. Amends Section 1702.227, Occupations Code, to provide that an individual acts as a security salesperson for purposes of this chapter if the individual offers to sell, service, or install an alarm system or a detection device. Deletes existing text pertaining to employment by a security services contractor.

SECTION 12. Amends Chapter 1702M, Occupations Code, by adding Section 1702.309, as follows:

Sec. 1702.309. SECURITY OFFICER COMMISSION RENEWAL. Requires the commission by rule to develop a continuing education course required for renewal of a security officer commission. Authorizes only a commission-approved instructor to administer the continuing education course. Sets forth the content and length of the instruction that the course must include. Requires a commissioned security officer to demonstrate the proficiency required under Section 20(k) or (l), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), within the 90-day period before the date the commission is renewed.

SECTION 13. Amends Section 1702.309(a), Occupations Code, as added by the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, to set forth the content and length of the instruction that the course must include.

SECTION 14. Amends Section 1702.323, Occupations Code, by amending Subsections (a) and (d) and adding Subsection (e), to provide that, except as provided by Subsections (b), (d), and (e), this chapter does not apply to an individual employed in an employee-employer relationship exclusively and regularly by one employer in connection with the affairs of the employer. Provides that this chapter applies to an individual described by Subsection (a) who meets certain criteria. Provides that this chapter applies to any person who conducts an investigation if the investigation involves a person, or the affairs of a person, who is not employed by the same employer as the person conducting the investigation and the investigation is not conducted on the premises of the employer. Defines "premises of the employer."

SECTION 15. Amends Section 1702.324(b), Occupations Code, to provide that this chapter does not apply to certain entities or persons.

SECTION 16. Amends Chapter 1702P, Occupations Code, by adding Section 1702.3863 to conform to Section 1, Chapter 388, and Section 31, Chapter 974, Acts of the 76th Legislature, Regular Session, 1999, and amending that section as follows:

Sec. 1702.3863. UNAUTHORIZED CONTRACT WITH BAIL BOND SURETY; OFFENSE. Sets forth provisions regarding an offense of a person unauthorized to contract with bail bond surety.

SECTION 17. Amends Article 17.19(e), Code of Criminal Procedure, to authorize an arrest warrant issued under this article to be executed by certain persons.

SECTION 18. Amends Article 23.05(b), Code of Criminal Procedure, to authorize a capias issued under this article to be executed by certain persons.

SECTION 19. Provides that to the extent of any conflict, Section 1702.3863, Occupations Code, as added by this Act, prevails over another Act of the 77th Legislature, Regular Session, 2001.

SECTION 20. Repealers:

(1) Section 1702.166 (Geographical Scope of Security Officer Commission), Occupations Code; and

(2) Section 1702.281 (Notice to Law Enforcement), Occupations Code.

SECTION 21. Makes application of the changes in law made by this Act to a license, certification, registration, commission, or letter of authority, prospective.

SECTION 22. (a) Provides that Sections 2, 4, and 12 of this Act take effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, does not take effect.

(b) Provides that Sections 3, 5, and 13 of this Act take effect only if the Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes, takes effect.

SECTION 23. (a) Provides that in accordance with Section 311.031(c) (relating to saving provisions), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 1702.002(1), (6), and (11) and Sections 1702.062, 1702.114, 1702.115, and 1702.323, and Section 1702.324(b), Occupations Code, as set out in this Act, gives effect to changes made by Sections 2, 3, 5, 8, 10, and 21, Chapter 974, Acts of the 76th Legislature, Regular Session, 1999.

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 24. Effective date: September 1, 2001.